

REMARKS

Claims 1-18 are currently pending in this application, as amended. The paragraph beginning at page 4, line 18 through page 15, line 18 of the Specification has been amended. Support for the amendment can be found at page, lines 6-10 of the Specification, where U.S. Patent No. 5,575,717 (Houriet '717) is incorporated by reference. Specific support can be found in Houriet at column 1, lines 16-22; and column 4, lines 60-68. Claims 1 and 8-13 have been amended to more particularly point out and distinctly claim the invention. Support for the amendments to the claims can be found, for example, in the original claims; in the original Specification at page 5, lines 1-11 and at page 6, line 4-page 7, line 2; and in Figs. 1-3. Claims 15-18 have been added. Support for the new claims can be found, for example, in the original claims; Figs. 1-3; and in the Specification at page 4, line 18-page 5, line 18 and at page 6, line 4-page 7, line 2. Accordingly, no new matter has been added.

Request for Personal Interview Prior to Formal Action on Amendment

Applicants respectfully request a personal interview with the Examiner prior to formal action on this response. An "Applicant Initiated Interview Request Form" accompanies this response. Please contact Applicants' undersigned representative to schedule the interview.

Contention of New Matter

The Examiner suggested in the Advisory Action, mailed April 26, 2007, that the Specification does not adequately support the Amendment of July 19, 2006, which added the limitation of "the first amusement device including a plurality of games selectable for play by a user of the first amusement device" to a number of claims.

Under M.P.E.P. § 2163.07(b), information from another document incorporated by reference into an application is as much a part of the application as if the text was repeated in the application. Additionally, amending the application to include the text of material incorporated by reference is not new matter. The paragraph beginning at page 4, line 18 through page 5, line 18 of the Specification has been amended to more clearly indicate that the first amusement device may store a plurality of games selectable for play by a user. The language for the

amendment is taken from column 1, lines 16-22 and column 4 lines 60-68 of Houriet '717, which was specifically incorporated by reference in the Specification at page 1, lines 6-10. Applicants further direct the Examiner to two other patents incorporated by reference at page 1 lines 6-10 of the Specification, both of which also disclose an amusement device storing a plurality of games selectable for play by a user. (See, e.g., U.S. Patent No. 4,856,787 at Fig. 4 and U.S. Patent No. 5,743,799 at column 6, line 63 to column 7, line 2.) Applicants therefore respectfully submit that the Amendment of July 19, 2006 is adequately supported by the Specification, and that the present amendment to the Specification further clarifies any ambiguity as to the teachings of the Specification.

Claim Rejections Under 35 U.S.C. § 103(a)

Rejection of Claims 1-14

Claims 1-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over U.S. Patent Application Publication No. 2003/0176213 ("LeMay") in view of U.S. Patent No. 5,743,799 ("Houriet").

Applicants respectfully request that the rejection of claims 1-14 under 35 U.S.C. § 103(a) be withdrawn in view of the foregoing amendments and for at least the following reasons.

Independent claims 1 and 10, and dependent claims 8-9, 11, and 13 have each been amended to clarify the invention in view of the references combined and used by the Examiner. For example, claim 1, as amended, recites *inter alia*:

the controller of the second amusement device controlling the shared resource device by commanding inputs/outputs of the controller of the first amusement device.

LeMay fails to disclose or suggest that the controller of a gaming machine controls a shared resource by commanding the inputs or outputs of the controller of another gaming machine.

The gaming machine of LeMay is a casino style gaming machine having "gaming devices", defined as hardware components of the gaming machine, such as coin hoppers, bill

validators, and the like. See paragraph [0041]. Some of the gaming devices on the machine are designed to be shared by multiple software entities on the game machine. See paragraph [0063]. For example, a gaming machine may have virtual player tracking and virtual ATM programs, which would share a card reader component on the gaming machine. A potential conflict could arise if a user of the gaming machine desired to perform an ATM transaction while engaged in player tracking. See paragraph [0063]. The gaming machine therefore includes a software module called a "shared device manager process" 115 to arbitrate control of one or more shared gaming devices among software entities running on processor 224. See Figs. 3-7 and paragraphs [0076] and [0100]-[0103]. Occasionally the gaming device may reside remotely, such as in the case of remote servers. However, the processor of the gaming machine is in direct communication with such device via main communication board 215. See Fig. 9 and paragraph [0110]. LeMay therefore suggests a software module residing on a single processor to assign control of hardware components among programs running on the same processor.

In contrast, the claims of the present application are directed to at least one amusement device, such as an amusement device which allows a user to select games from a video display, as is well known in the art, such as those disclosed in U.S. Patent Nos. 4,856,787 (Itkis); 5,575,717 (Houriet, Jr. '717); 5,743,799 (Houriet, '799), each of which shows a touchscreen display for making a game selection from a menu of games. A second amusement device is in communication with the first amusement device and accesses a shared resource device operatively connected to the first amusement device. As the clarifying amendment makes clearer, the second amusement device cannot access the shared resource device except by using its controller to take over the inputs and outputs of the controller of the first amusement device. The controller of the second amusement device effectively commandeers the controller of the first amusement device in order to use the shared resource.

At most, LeMay suggests that a gaming machine may access the memory of another gaming machine to download software modules into its own memory. See paragraph [0120]. In this instance, the second gaming machine acts as a file storage device. The controller of the first gaming machine does take over the controller of the second gaming machine. The controller of the first machine accesses the memory of the second machine only. LeMay therefore does not

suggest the use of a controller of a second amusement device to control a shared resource device by commanding the inputs and outputs of a first amusement device.

When combining two or more references to establish a *prima facie* case of obviousness, the references together must teach or suggest all of the claim limitations. M.P.E.P. § 2143.

LeMay, the primary reference, does not teach or suggest all the claim limitations as discussed above. Houriet fails to compensate for the deficiencies of LeMay. Houriet is directed to a system for creating menu choices of video games on a display and for setting game credits and tallying a total currency amount fed into a machine. The invention of Houriet is directed at and is described in the context of a solitary gaming machine. Houriet does not teach a second gaming machine in communication with the first gaming machine or a shared resource device operatively coupled with the first gaming machine. The gaming machine of Houriet is, for all intents and purposes, isolated. Consequently, Houriet also fails to disclose a controller of a second gaming machine controlling a shared gaming device by commanding the outputs of the controller of the first gaming machine. Accordingly, Applicants respectfully request that the rejection of claims 1-14 under 35 U.S.C. § 103(a) be withdrawn.

Claims 10-13 and New Claim 18

Independent claim 10 has additionally been amended to further require the limitation that the first amusement device include a first housing, and that the controller and memory of the first amusement device, as well as the first shared resource device, be associated with the first housing. Likewise, the second amusement device includes a second housing associated with the controller and memory of the second amusement device. A user interface is operatively connected to the controller of the second amusement device.

The system of LeMay for the managing of “gaming devices” among software programs occurs typically within the confines of one housing. When the machine in use goes outside of the first housing, such as to download a game file from another machine’s memory, LeMay does not teach the taking over of inputs and outputs of the controller in the housing of the other machine by the controller in the housing of the machine in use. Houriet does not cure the deficiency of LeMay, as the disclosure of Houriet is confined to one housing.

Accordingly, for the reasons discussed above and discussed for claims 1-14 generally, Applicants respectfully request that the rejection of independent claim 10 and dependent claims 11-13 under 35 U.S.C. § 103(a) be withdrawn.

New Claim 18 is dependent from claim 10 and calls for the first amusement device to control the user interface by taking over the inputs and outputs of the second controller. This procedure mirrors the process of the second controller taking over the first controller to access the first shared resource device, which has been previously discussed. Accordingly, LeMay and Houriet fail to teach this feature for the same reasons described above. Applicants therefore believe claim 18 is patentable over the prior art of record, for the foregoing reasons and because of its dependency on claim 10.

New Claims 15-17

Claims 15-17 have been added. Support for the new claims can be found, for example, in the original claims; in Figs. 1-3; and in the original Specification at page 4, line 18-page 5, line 18 and at page 6, line 4-page 7, line 2.

Claims 15 and 16 are directed to an apparatus and method including a video game controller, a touchscreen video display operatively connected to the video game controller, and a digital jukebox controller in communication with the video game controller. The digital jukebox controller controls the touchscreen device by commanding the inputs and outputs of the video game controller using a terminal server application.

Neither LeMay nor Houriet discloses a digital jukebox controller that uses a terminal server application to control a video game controller in order to access a touchscreen. As described above, Houriet discloses only a solitary video game machine. LeMay, at most, shows a gaming machine accessing the memory of another gaming machine. LeMay does not teach the use of a terminal server application of any kind. Similarly, LeMay does not teach any method for one gaming machine's dedicated controller to command the inputs and outputs of a second gaming machine's dedicated controller.

Claim 17 is directed to a means for accessing and controlling a shared resource through a first amusement device by a second amusement device. The Specification teaches that the controller of the second amusement device commands the inputs and outputs of the controller of the first amusement device in order to access the shared resource device. This is preferably accomplished by use of a terminal server application. As described above, LeMay and Houriet fail to teach that one gaming controller may take over a second gaming controller at all, let alone by way of a terminal server application.

Accordingly, Applicants believe claims 15-17 are patentable over the prior art of record, for the reasons discussed above.

CONCLUSION

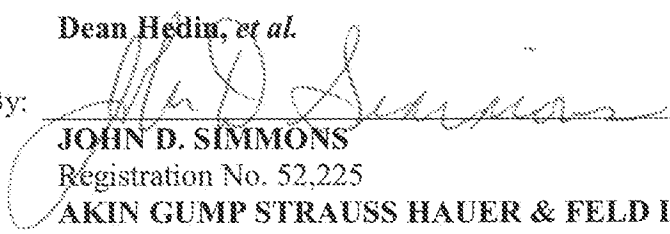
In view of the foregoing Amendment and Remarks, it is respectfully submitted that the present application, including claims 1-18, as amended, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

Dean Hedin, et al.

May 30, 2007
(Date)

By:


JOHN D. SIMMONS

Registration No. 52,225

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

Direct Dial: 215-965-1268

Facsimile: 215-965-1210

E-Mail: jsimmons@akingump.com

JDS/SEM
7796576v1